

REMARKS

Claims 1-38 are pending in the application. By this Amendment, claims 1, 5, 7, 9, 11, 16, 18, 20, 22, 24, 26, 28-30 and 33 are amended and new claims 36-38 are added. Various amendments are made for clarity and are unrelated to issues of patentability.

The Office Action rejects claims 1-35 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. It is respectfully submitted that the above amendments obviate the grounds for rejection based on enablement requirement. That is, the independent claims are amended as suggested in the Office Action. The specification fully describes and enables one skilled in the art that the window size control information includes either window size upward setting information, window size maintaining information or window size downward setting information. Withdrawal of the rejection under 35 U.S.C. §112, first paragraph, is respectfully requested.

The Office Action rejects claims 1-35 under 35 U.S.C. §103(a) over ETSI TS 125 322 version 5.1.0 (2002-06) (hereafter ETSI) in view of U.S. Patent No. 6,744,730 to Le et al. (hereafter Le). The rejection is respectfully traversed with respect to the pending claims.

Independent claim 1 recites receiving data units having serial numbers lying in a range of a receiving window, transmitting window size control information from a receiver to a transmitter based on a state of a receiving buffer that corresponds to the receiving window, and varying a transmitting window size of the transmitter according to the transmitted window size control information. Independent claim 1 also recites that the window size control information

includes either window size upward setting information, window size maintaining information, or window size downward setting information, and the window size control information is transmitted simultaneously with acknowledgment information.

ETSI and Le do not teach or suggest at least these features of independent claim 1. More specifically, ETSI does not teach or suggest transmitting window size control information wherein the window size control information includes either window size upward size setting information, window size maintaining information or window size downward setting information and that the window size control information is transmitted simultaneously with acknowledgment information. Le does not teach or suggest features of independent claim 1 missing from ETSI. Thus, independent claim 1 defines patentable subject matter.

Independent claim 11 recites that window size update information is transmitted from a receiving entity to a transmitting entity based on a processing speed by the receiving entity of data units stored in a receiving buffer, wherein acknowledgment information is transmitted simultaneously with the window size update information, the acknowledgment information controlling transmission of additional data units from the transmitting entity to the receiving entity, transmission of the additional data units controlled based on the window size update information. Independent claim 11 also recites that the window size update information includes either window size upward setting information, window size maintaining information, or window size downward setting information.

For at least similar reasons as set forth above, ETSI and Le do not teach or suggest at least these features of independent claim 11. More specifically, ETSI and Le do not teach or suggest that the window size update information includes either window size upward setting information, window size maintaining information, or window size downward setting information. Thus, independent claim 11 defines patentable subject matter.

Independent claim 22 recites receiving one or more protocol data units (PDUs) from a transmitting radio link control (RLC) entity, checking a state of a receiving buffer for storing the one or more PDUs, and transmitting window size control information to the transmitting RLC according to a state of the receiving buffer, the window size control information to vary a transmitting window size of the transmitting RLC entity for transmitting additional PDUs to be stored in the receiving buffer. Independent claim 22 also recites that acknowledgment information is transmitted simultaneously with the window size control information, the acknowledgment information controlling transmission of said additional PDUs based on the varied transmitting window size, and that the window size control information includes either window size upward setting information, window size maintaining information, or window size downward setting information.

For at least similar reasons as set forth above, ETSI and Le do not teach or suggest all the features of independent claim 22. More specifically, ETSI and Le do not teach or suggest that the window size control information includes either window size upward setting information,

window size maintaining information, or window size downward setting information. Thus, independent claim 22 defines patentable subject matter.

For at least the reasons set forth above, each of independent claims 1, 11 and 22 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

For example, dependent claim 37 recites that the window size control information includes window size maintaining information. The Office Action's citation to ETSI's page 33, section 9.2.2.11.3 does not teach or suggest features relating to window size maintaining information. See also dependent claims 36 and 38. ETSI and Le do not teach or suggest window size maintaining information. Thus, dependent claims 36-38 define patentable subject matter at least for this additional reason.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-38 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

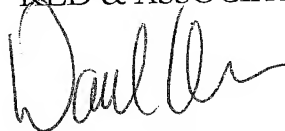
Serial No. **10/650,792**

Docket No. **P-0577**

Reply to Office Action dated July 2, 2008

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
KED & ASSOCIATES, LLP



David C. Oren
Registration No. 38,694

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3777 DCO/kah

Date: October 27, 2008

Please direct all correspondence to Customer Number 34610